

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

IN THE MATTER OF THE BOARD ORDER TO SHOW CAUSE ISSUED TO UTAH CALCIUM CORPORATION, a/k/a THOMAS AMERICAN STONE, a/k/a LON THOMAS, PLACER MINING AND MILL SITE CLAIMS, T1S, R10W TOOELE COUNTY, UTAH	ORDER DOCKET NO. 90-051 CAUSE NO. M/045/031
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The above Order to Show Cause, Thomas American Stone
(Respondent), was heard by the Board of Oil, Gas and Mining (Board)
January 24, 1991, February 28, 1991 and March 26, 1991 at the Board's regular
scheduled hearing at 355 West North Temple, 3 Triad Center, Salt Lake City, Utah.

The following Board Members, constituting a quorum, were present and
participated in the hearing and in the decision embodied herein:

James W. Carter, Chairman
E. Steele McIntyre
Judy F. Lever
John M. Garr
Kent G. Stringham
Jay L. Christiansen

Members of the staff of the Division of Oil, Gas and Mining present at
and participating in the hearing included:

Dr. Dianne R. Nielson, Director
Division of Oil, Gas and Mining

D. Wayne Hedberg, Permit Supervisor
Division of Oil, Gas and Mining

Holland W. Shepherd, Senior Reclamation Specialist
Division of Oil, Gas and Mining

Thomas A. Mitchell, Assistant Attorney General of the State of Utah, also participated in the hearing on behalf of the Division of Oil, Gas and Mining.

Respondent was present and represented by counsel, Scott E. Isaacson, Esq.

Based upon the record and the testimony given during the January 24, 1991, February 28, 1991 and March 26, 1991 hearings, the Board finds as follows:

FINDINGS

1. Respondent failed to permit the Aragonite mine and mill sites in accordance to the requirements of Utah Code Ann. § 40-8-1 et seq., R613-004-101 and R613-004-113, which require an operator to file a notice and post surety with the Division prior to commencement of a Large Mining Operation.

2. Respondent failed to maintain the mine site in an environmentally safe and stable condition, posing a hazard to public safety and environment health.

CONCLUSION

The Board concludes that Respondent has failed to comply with the permitting and reclamation requirements of the Utah Mined Land Reclamation Act, Utah Code Ann. § 40-8-1, et seq. 1988, and the rules promulgated pursuant to statute.

ORDER

The Board finds Respondent in violation of the Utah Mined Land Reclamation Act and rules pursuant to Utah Code Ann. § 40-8-9, as set forth above.

In order to bring Respondent into compliance with the Utah Mined Land Reclamation Act, the Board hereby orders Respondent to perform the following acts at the mine and millsite:

Millsite

1. Respondent will immediately cease all "mining activities" on the mill area outside of a five (5) acre tract surrounding the mill and buildings. All new ore will be stored within this five (5) acre area and any new mill waste generated will be placed within this area, unless such mill waste is used for reclamation efforts elsewhere in accordance with an approved reclamation plan.
2. The only exception to paragraph #1 will be that Respondent will remove and process the existing ore stockpiles located outside the five (5) acre tract as quickly as they can be processed through the mill or otherwise either removed from the site or moved into the five (5) acre tract. The existing ore stockpiles which are outside of the five (5) acre tract will be removed completely no later than four (4) years from the date of entry of this Board Order.
3. Respondent will immediately commence reclamation of all lands outside of the five (5) acre tract pursuant to an approved reclamation plan (other than the two ore piles described in paragraph #2). The details of this reclamation plan will be approved by the Division and the Bureau of Land Management (BLM); however, reclamation will include (a) clean up of all garbage, equipment or other non-ore waste; (b) leveling of disturbed areas; and (c) re-seeding. Reclamation (other than the two ore piles) will be completed by October 31, 1991. Respondent will also reclaim the areas covered by the two ore piles as and when they are removed. A complete reclamation plan for the area outside of the five acres will be developed by Respondent and submitted for review by the Division and BLM no later than May 10, 1991. ✓

4. In connection with the reclamation work, Respondent will not bury any solid garbage or waste (excluding the fines from the milling process which henceforth will be stockpiled separately within the designated five (5) acre area) on the mill site. All exposed garbage and trash will be removed from the site and properly disposed of at an approved state or county landfill within thirty (30) days of reclamation plan approval. Respondent will not move or transport any garbage or trash from the millsite to the mine site. This general clean-up also applies to the area within the five (5) acre tract. Respondent will also dig up the waste which was buried in February 1991, and dispose of it in a fashion approved by the BLM and the Division.

Respondent will not otherwise have to dig up the existing waste "dump", but will "rip" the surface of this "dump" to a depth of three (3) feet when it is reclaimed and will dispose of any solid trash exposed by this "ripping". This clean-up will be further specified in the approved reclamation plan described in paragraph 3 above. At a minimum, the plan for clean-up of the garbage/trash will include:

- (a) at least 2-days notice to the BLM, prior to commencement of clean-up and transport of the trash/garbage from the millsite area to an approved waste disposal facility, and
- (b) a commitment to prepare an itemized list/manifest of the waste materials being transported to the approved disposal facility. The list/manifest must be signed by the responsible party receiving the waste material at the disposal facility. A copy of this signed list must then be provided to the BLM and Division.

Respondent will immediately cease disposal of the rejected mill fines on the waste dump. All reject mill fines will be stockpiled separately within the approved

millsite area for use in reclamation of the area (or as otherwise instructed by the Division and BLM).

5. The area within the five (5) acre tract will be reclaimed at the end of its operations, in accordance with the reclamation standards set by the Division for small mining operations and the BLM 43 CFR 3809 regulations.

Mine Site

6. Respondent will immediately cease all mining operations at the mine site outside of the designated five (5) acre tract as approved by the Division and the BLM (as applicable).

7. Respondent will immediately install warning signs adjacent to the highwalls and at such other locations as the Division may direct. Respondent will also install such other safety devices as the Division may direct, including covers for exposed shafts, berms for highwalls and a cable or MSHA approved haul road berm along the county road next to the pit. All signs and safety devices shall be installed no later than April 30, 1991. Photo documentation will be provided to the Division by May 10, 1991.

8. Respondent will immediately begin reclamation operations on the 3.4 acre area outside of the five acre mining tract. A detailed reclamation plan will be developed and approved by the Division before reclamation commences.

Respondent need not reclaim all areas affected by historical mining in the vicinity, but will reclaim all areas it has disturbed, re-disturbed or otherwise impacted that were mined in violation of the restrictions governing the originally filed Declaration of Exemption (DOE). The entire area to be reclaimed will be specifically identified in the spring when on-site conditions improve. A complete reclamation plan will be prepared

by Respondent and submitted for review by the Division and BLM, no later than June 30, 1991.

9. Respondent will operate the mine as a small mine operation under five (5) acres in size and will reclaim the area in accordance with the Division's small mining operation reclamation standards, and/or the BLM 43 CFR 3809 regulations (as applicable), when mining operations are completed.

Surety for Mine and Milling Area Reclamation

10. Respondent will post a \$6,000 reclamation surety, in a form satisfactory to the Division, with the Division of Oil, Gas and Mining within five (5) working days of date of entry of this Board Order, to secure its reclamation work on the areas outside of the two five (5) acre tracts identified above. Respondent must also post an additional \$6,000 in reclamation surety six months from the date of approval of the reclamation plans for the mine and mill sites. The \$12,000 surety corresponds to a rate of \$1,000 per acre, for the approximately twelve (12) acres of disturbance which have been identified to date by the Division outside of the two five (5) acre tracts (three acres at the mine and nine acres at the mill site). As these disturbed acreages are subsequently reclaimed, Respondent may request release of surety from the Division and BLM (as appropriate). Release of the surety will be based upon satisfactory performance of the reclamation work in accordance with the Division approved reclamation plans.

11. Respondent must report to the Board orally on the progress of its reclamation activities and compliance with this Order and the approved plans at the Aragonite mine and mill site each year until the requirements of this Order have been met. The date for reporting will be the March Board Hearing of each year.

12. If Respondent fails to comply with the requirements of this Board Order in a timely fashion, the Board may order the cessation of all mining activities at the Aragonite mine and millsite and may order immediate reclamation.

Dated this 22nd day of April, 1991

BOARD OF OIL, GAS AND MINING

A handwritten signature in black ink, appearing to read "James W. Carter", written over a horizontal line.

James W. Carter, Chairman